STD, TERMED

U.S. District Court DISTRICT OF ARIZONA (Phoenix Division) CIVIL DOCKET FOR CASE #: 2:02-cv-02079-RCB

USA v. Asarco Inc, et al

Assigned to: Judge Robert C Broomfield

Demand: \$0

Case in other court: USDC WD WA, C02-5401FDB

Cause: 28:2201 Injunction

Date Filed: 10/21/2002

Date Terminated: 02/03/2003

Jury Demand: None

Nature of Suit: 890 Other Statutory

Actions

Jurisdiction: U.S. Government Plaintiff

Date Filed	#	Docket Text			
09/26/2002	19	ANSWER to Complaint by dfts (MAP) (Entered: 10/21/2002)			
10/21/2002	22	Original file, certified copy of transfer order and docket sheet received from US Dist Court Western Dist Washington (MAP) (Entered: 10/21/2002)			
10/21/2002	23	SEALED Motion for preliminary injunction by pla USA [23-1] (MAP) (Entered: 10/21/2002)			
11/08/2002	24	SEALED Order by Judge Robert C. Broomfield granting the United States' Motion to File Pleading Under Seal re: Motion for preliminary injunction by pla USA [23-1] [23-1] (KMG) (Entered: 11/08/2002)			
11/13/2002	25	ORDER by Judge Robert C. Broomfield the Court hereby grants the United States' Motion to File Brief in Excess of Page Limit. (NOTE: United States SEALED) Motion for Preliminary Injunction is at docket #23) (cc: all counsel) recorder filed [25-1] (KMG) (Entered: 11/13/2002)			
11/15/2002	29				

11/18/2002	26	MOTION for leave to withdraw as counsel (atty Michael Thorp) for Dfts by dfts [26-1] (MAP) (Entered: 11/21/2002)		
11/18/2002	27	CERTIFICATE of Service of Motion to Withdraw as COunsel by dfts (MAP) (Entered: 11/21/2002)		
11/22/2002	28	ORDER by Judge Robert C. Broomfield granting motion for leave to withdraw as counsel (atty Michael Thorp) for Dfts by dfts [26-1] attorney Michael R Thorp withdrawn (cc: all counsel) (MAP) (Entered: 11/22/2002)		
11/29/2002	30	MOTION to Extend Time to File Response to Motion to Intervene filed by Veronica Cruz, et al. on 11/15/02 (pending resolution of the US's Motion to Hold Motion to Intervene in Abeyace, filed this day) by pla USA [30-1] (KMG) (Entered: 12/02/2002)		
11/29/2002	31	MOTION to Hold /Stay Tort plas' Motion to Intervene in Abeyance until after the United States' status report of 1/6/03 by pla USA [31-1] (KMG) (Entered: 12/02/2002)		
12/03/2002		REMARK as to USA re atty Brian C Kipnis 601 Union St Ste 5100 Seattle WA 98101 removed from database for noncompliance w/admission deadline of 11/22/02 pty represented by other admitted counsel (BAS) (Entered: 12/03/2002)		
12/03/2002	32	RESPONSE (MEMORANDUM IN OPPOSITION) by dfts Asarco Inc, and Southern Peru Hldngs to motion to intervene by Veronica Cruz, James E Akin Olga Aleman, James W Atchley, Aurora Baeza, Earnest Layfatte Beall, Glenn Blevins, Jimmie Carrier, Oscar Alberto Castro, Ludy James Chamberlain, Claude Edward Chivers, Cornejo Santos, Frankie Joe Cunningham, Rudolph Durden Francisco Esparza, Guadalupe Flores, Roberto S. Flores, Carlos Aure Romero Garcia, Raymundo Garcia, Elias Garza, Nicholas Gatto, Martin R Gonzales, Elmo Grimes, Isabel T Guerrero, Secundino Partida Guerrero, Leor Hall, Thirl Dean Hardcastle, Winford Charlie Harding, Don Earl Harris, Jose Hernandez, William Chad Hubbard, Glen Wiley Koehn, Tiburcio Lopez, Hector Martinez, Pedro Martinez, Michael Ned Megginson, Linda M Sellers, Reynaldo Montemayor, Jorge P Munoz, Carl Owen Nicol, Raymond O'Neal, Gilbert Ramirez Oropez, Arnold Carlos Overstreet, Roy Weldon Parrish, Errol Phillips Robert Rodriguez, Edgar Emmitt Rowe, Felipe A Sanchez, Moye Dee Scarborough, Carroll Sissell, Ronald Squyres, Robert Clifton Taber, Bobbie Jo White [29-1] (KMG) (Entered: 12/05/2002)		
12/03/2002	33	STATEMENT of Position by dfts Asarco Inc, and Southern Peru Hldngs re Response (Memorandum in Opposition) to Motion [32-1] to Intervene (KMG) (Entered: 12/05/2002)		
12/04/2002	34	CROSS-MOTION Fore Expedited Consideration (to Accelerate Ruling) on Motion to Intervene by Veronica Cruz, James E Akin, Olga Aleman, James W Atchley, Aurora Baeza, Earnest Layfatte Beall, Glenn Blevins, Jimmie Carrier, Oscar Alberto Castro, Ludy James Chamberlain, Claude Edward Chivers, Cornejo Santos, Frankie Joe Cunningham, Rudolph Durden Francisco Esparza,		

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		Guadalupe Flores, Roberto S. Flores, Carlos Franco, Aurelio Romero Garcia, Raymundo Garcia, Elias Garza, Anthony Nicholas Gatto, Martin R Gonzales, Elmo Grimes, Isabel T Guerrero, Secundino Partida Guerrero, Leon Hall, Thirl Dean Hardcastle, Winford Charlie Harding, Don Earl Harris, Jose Hernandez, William Chad Hubbard, Glen Wiley Koehn, Tiburcio Lopez, Hector Martinez, Pedro Martinez, Michael Ned Megginson, Linda M Sellers, Reynaldo S Montemayor, Jorge P Munoz, Carl Owen Nicol, Raymond O'Neal, Gilbert Ramirez Oropez, Arnold Carlos Overstreet, Roy Weldon Parrish, Errol Phillips, Robert Rodriguez, Edgar Emmitt Rowe, Felipe A Sanchez, Moye Dee Scarborough, Carroll Sissell, Ronald Squyres, Robert Clifton Taber, Bobbie Joe White [29-1] by intervenor-plaintiff [34-1] and RESPONSE (OPPOSITION) to Motion to Hold /Stay Tort plas' Motion to Intervene in Abeyance until after the United States' status report of 1/6/03 by pla USA [31-1] [31-1] by intervenor-plaintiffs (KMG) (Entered: 12/05/2002)	
12/05/2002	35	MOTION for admission pro hac vice as to James J. Sabella, atty for Dfts Asarco Inc, Southern Peru Hldngs [35-1] (MAP) (Entered: 12/07/2002)	
12/09/2002	36	ORDER by Judge Robert C. Broomfield denying motion to Hold /Stay Tort plas' Motion to Intervene in Abeyance until after the United States' status report of 1/6/03 by pla USA [31-1] FURTHER ORDERED granting in part motion to Extend Time to File Response to Motion to Intervene by Veronica Cruz by pla USA [30-1]. The USA is ordered to file its responses nlt 12/11/02, and to serve such response upon all parties hereto via hand-delivery. The proposed intervenors may reply pursuant to LR 1.10(d) (cc: all counsel) (MAP) (Entered: 12/09/2002)	
12/10/2002	37	ORDER by Judge Robert C. Broomfield granting motion for admission pro hac vice as to James J. Sabella, atty for Dfts Asarco Inc, Southern Peru Hldngs [35-1] (cc: all counsel) (KMG) (Entered: 12/10/2002)	
12/11/2002		REMARK as to Asarco Inc, Southern Peru Hldngs re atty Angus MacBeth Sidley Austin Brown & Wood LLP 1501 K St NW Washington DC 20005 removed from database for noncompliance w/admission deadline of 11/22/02 pty represented by other admitted counsel (BAS) (Entered: 12/11/2002)	
12/11/2002	38	RESPONSE (IN OPPOSITION) by pla USA to motion to intervene by Veronica Cruz, James E Akin, Olga Aleman, James W Atchley, Aurora Baeza, Earnest Layfatte Beall, Glenn Blevins, Jimmie Carrier, Oscar Alberto Castro, Ludy James Chamberlain, Claude Edward Chivers, Cornejo Santos, Frankie Joe Cunningham, Rudolph Durden Francisco Esparza, Guadalupe Flores, Roberto S. Flores, Carlos Franco, Aurelio Romero Garcia, Raymundo Garcia, Elias Garza, Anthony Nicholas Gatto, Martin R Gonzales, Elmo Grimes, Isabel T Guerrero, Secundino Partida Guerrero, Leon Hall, Thirl Dean Hardcastle, Winford Charlie Harding, Don Earl Harris, Jose A Hernandez, William Chad Hubbard, Glen Wiley Koehn, Tiburcio Lopez, Hector Martinez, Pedro Martinez, Michael Ned Megginson, Linda M Sellers, Reynaldo S Montemayor, Jorge P Munoz, Carl Owen Nicol, Raymond O'Neal, Gilbert Ramirez Oropez, Arnold Carlos Overstreet, Roy Weldon Parrish, Albert Errol Phillips, Robert Rodriguez,	

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		Edgar Emmitt Rowe, Felipe A Sanchez, Moye Dee Scarborough, Carroll Sissell, Ronald Squyres, Robert Clifton Taber, Bobbie Joe White [29-1] (KMG) (Entered: 12/16/2002)		
12/16/2002	39	REPLY by intervenor-plaintiffs (all) to response to motion to intervene by Veronica Cruz, James E Akin, Olga Aleman, W Atchley, Aurora Baeza, Earnest Layfatte Beall, Glenn Blevins, Jimmie Carrier, Oscar Alberto Castro, Ludy James Chamberlain, Claude Edward Chivers, Cornejo Santos, Frankie Joe Cunningham, Rudolph Durden Francisco Esparza, Guadalupe Flores, Roberto S. Flores, Carlos Franco, Aurelio Romero Garcia, Raymundo Garcia, Elias Garza, Anthony Nicholas Gatto, Martin R Gonzales, Elmo Grimes, Isabel T Guerrero, Secundino Partida Guerrero, Leon Hall, Thirl Dean Hardcastle, Winford Charlie Harding, Don Earl Harris, Jose A Hernandez, William Chad Hubbard, Glen Wiley Koehn, Tiburcio Lopez, Hector Martinez, Pedro Martinez, Michael Ned Megginson, Linda M Sellers, Reynaldo S Montemayor, Jorge P Munoz, Carl Owen Nicol, Raymond O'Neal, Gilbert Ramirez Oropez, Arnold Carlos Overstreet, Roy Weldon Parrish, Albert Errol Phillips, Robert Rodriguez, Edgar Emmitt Rowe, Felipe A Sanchez, Moye Dee Scarborough, Carroll Sissell, Ronald Squyres, Robert Clifton Taber, Bobbie Joe White [29-1] (KMG) (Entered: 12/17/2002)		
12/16/2002	40	MOTION for admission pro hac vice as to Alan B. Rich, atty for all intervenor-plaintiffs [40-1] (KMG) (Entered: 12/18/2002)		
12/19/2002	41	ORDER by Judge Robert C. Broomfield granting motion for admission pro hac vice as to Alan B. Rich, atty for all intervenor-plaintiffs [40-1] (cc: all counsel) (MAP) (Entered: 12/19/2002)		
12/23/2002	42			
12/23/2002	43	MOTION for Reconsideration of this Court Order dated 12/19/02 denying their Motion to Intervene by intervenor-plaintiffs (all) [43-1] (KMG) (Entered:		

		12/31/2002)	
01/07/2003	44	RESPONSE (IN OPPOSITION) by pla USA to motion for Reconsideration of th Court Order dated 12/19/02 denying their Motion to by intervenor-plaintiffs (all) [43-1] (KMG) (Entered: 01/08/2003)	
01/08/2003	45	ORDER by Judge Robert C. Broomfield denying motion for Reconsideration of this Court Order dated 12/19/02 denying their Motion to Intervene by intervenor-plaintiffs (all) [43-1] (cc: all counsel) (KMG) (Entered: 01/08/2003)	
01/29/2003	46	MOTION to enter consent decree by pla [46-1] (DMT) (Entered: 01/31/2003)	
01/30/2003	47	RESPONSE/CONSENT by dfts Asarco Inc, and Southern Peru Hldngs to Mo to enter consent decree by pla [46-1] (KMG) (Entered: 02/03/2003)	
02/03/2003	48	NOTICE OF APPEAL by all intervenor-plaintiffs from District Court order [45- and order [42-3] (cc: 9CCA/All Counsel/judge) (former emp) Modified on 02/05/2003 (Entered: 02/03/2003)	
02/03/2003		Received \$105.00 appeal fee re NOTICE OF APPEAL [48-1] (former emp) (Entered: 02/03/2003)	
02/03/2003	49	CONSENT JUDGMENT (DECREE) by Judge Robert C. Broomfield: this consent decree shall constitute a final judgment in this action between and among the USA and the dfts; granting motion to enter consent decree by pla 1] terminating case (cc: all counsel//9CCA w/o attachments) (REW) (Entered 02/03/2003)	
02/05/2003		Certificate of Record Transmitted to 9th Circuit NOTICE OF APPEAL [48-1] (REW) (Entered: 02/05/2003)	
02/05/2003		APPEAL PACKET forwarded to all parties and 9th Circuit re: NOTICE OF APPEAL [48-1] (REW) (Entered: 02/05/2003)	
02/19/2003		Notification by 9th Circuit of Appellate Docket Number 03-15238 re NOTICE C APPEAL [48-1] (REW) (Entered: 02/19/2003)	
02/24/2003	50	MOTION for admission pro hac vice as to Belynda B Reck, for non-party ConocoPhillips [50-1] (REW) (Entered: 02/27/2003)	
03/03/2003	51	ORDER by Judge Robert C. Broomfield granting motion for admission pro hac vice as to Belynda B Reck, for non-party ConocoPhillips [50-1] (cc: all counsel/9CCA) (LAD) (Entered: 03/03/2003)	
03/03/2003	52	Notice of Transcript Designation by all intervenor-plaintiffs re NOTICE OF APPEAL [48-1]; no transcripts to be ordered (REW) (Entered: 03/06/2003)	
03/12/2003	53	MOTION to intervene by ConocoPhillips Co [53-1] and supporting memorandum of points and authorities (REW) (Entered: 03/17/2003)	
03/12/2003	54	MOTION for expedited hearing on motion to intervene by ConocoPhillips Co [53-1] by intervenor ConocoPhillips Co [54-1] (REW) (Entered: 03/17/2003)	

03/17/2003	55	ORDER by Judge Robert C. Broomfield; ConocoPhillips shall file by 3/18/03, a memorandum briefing the issue of whether this court has subject matter jurisdiction over this case at this time; a responsive memorandum, to the extent the pla and/or dfts wish to file one, shall be filed by 3/21/03; re: motion for expedited hearing [54-1], re: motion to intervene [53-1]; hearing on the jurisdictional issues will be held 3/24/03 at 1:30 pm; if the court is satisfied that it has jurisdiction to hear the matters presented in the motion to intervene, the court will then hold a hearing on 3/27/03 at 10:00 am; in court hearing set for 1:30 3/24/03, re: jurisdictional issues (cc: all counsel) (REW) (Entered: 03/17/2003)	
03/18/2003	56	SUPPLEMENTAL MEMORANDUM regarding subject matter jurisdiction IN SUPPORT by intervenor ConocoPhillips Co of motion to intervene by ConocoPhillips Co [53-1] and motion for expedited hearing by intervenor ConocoPhillips Co [54-1], re: order [55-2] (REW) (Entered: 03/19/2003)	
03/19/2003	57	MOTION for admission pro hac vice as to Pierce O'Donnell, atty for intervenor ConocoPhillips Co [57-1] (RFW) (Entered: 03/19/2003)	
03/21/2003	58	MEMORANDUM regarding court's jurisdiction to entertain ConocoPhillips' motion to intervene by dft Asarco Inc, dft Southern Peru Hldngs, re: order [55-2], re: motion to intervene [53-1] (REW) (Entered: 03/24/2003)	
03/21/2003	59	RESPONSIVE MEMORANDUM re: jurisdiction of District Court to adjudicate ConocoPhillips' motion to intervene by pla USA, re: memorandum [58-1], re: order [55-1], re: motion to intervene [53-1] (REW) (Entered: 03/24/2003)	
03/24/2003	60	MINUTE ENTRY before Judge Robert C. Broomfield . Crt Rptr: Vicki Reger. Present: Steve Keller for Pla. Pierce O'Donald for Intpla. In court hearing held. The court has taken the jurisdictional issues under advisement. [cc: RCB/CD] [60-2] (LCF) (Entered: 03/25/2003)	
03/24/2003	61	Notice of Filing DECLARATION of Tracy L Sizemore re motion to intervene by ConocoPhillips Co [53-1] and supporting memorandum of points and authorities [53-1], re motion for expedited hearing on motion to intervene by ConocoPhillips Co [53-1] by intervenor ConocoPhillips Co [54-1] [54-1] by intervenor ConocoPhillips Co (REW) (Entered: 03/25/2003)	
03/25/2003	65	Transcript Designation and Ordering Form by appellee/intervenor ConocoPhillips Co; ordering transcript for hearing of 3/24/03 (REW) (Entered: 03/28/2003)	
03/26/2003	62	ORDER by Judge Robert C. Broomfield granting motion for admission pro hac vice as to Pierce O'Donnell, atty for intervenor ConocoPhillips Co [57-1] (cc: all counsel) (REW) (Entered: 03/26/2003)	
03/26/2003	63	ORDER by Judge Robert C. Broomfield; the court finds that the question of this court's jurisdiction shall remain under advisement pending the hearing on the underlying motion to intervene set for 3/27/03 at 10:00 am, re: order [55-2], re: motion to intervene [53-1] (cc: all counsel) (REW) (Entered: 03/26/2003)	

03/26/2003	66	RESPONSE (Opposition) by dft Asarco Inc, dft Southern Peru Hldngs to motion to intervene by ConocoPhillips Co [53-1] (REW) (Entered: 03/28/2003)	
03/26/2003	67	RESPONSE by pla USA to motion to intervene by ConocoPhillips Co [53-1] and supporting memorandum of points and authorities (REW) (Entered: 03/28/2003)	
03/27/2003	64	MINUTE ENTRY before Judge Robert C. Broomfield. Crt Rptr: Vicki Reger. Present: Steve Keller for Pla. Craig Hansen for Dft. Pierce O'Donald and David Campbell for Intervenors. Taking under advisement on 3/27/03 the motion to intervene by ConocoPhillips Co [53-1] and supporting memorandum of points and authorities. [cc: RCB/CD] [64-1] (LCF) (Entered: 03/27/2003)	
03/27/2003	68	(CORRECTED) RESPONSE by pla USA to motion to intervene by ConocoPhillips Co [53-1] and supporting memorandum of points and authoritie (REW) (Entered: 03/28/2003)	
04/02/2003	69	DECLARATION of Joseph E Tieger by pla USA (REW) (Entered: 04/03/2003)	
04/03/2003	70	ORDER by Judge Robert C. Broomfield granting motion for expedited consideration of motion to intervene by ConocoPhillips Co [53-1] by interven ConocoPhillips Co [54-1]; denying motion to intervene by ConocoPhillips Co 1] (cc: all counsel/9CCA) (REW) (Entered: 04/03/2003)	
04/07/2003	71	Court Reporter's Transcript of Proceedings of hearing on jurisdictional issues (taped proceedings) for the following date(s): 3/24/03 re NOTICE OF APPEAL [48-1] (REW) (Entered: 04/09/2003)	
05/01/2003	72	NOTICE OF APPEAL by intervenor ConocoPhillips Co from District Court order filed [70-1] (cc: 9CCA/All Counsel/judge) (former emp) (Entered: 05/01/2003)	
05/01/2003		Received \$105.00 appeal fee re NOTICE OF APPEAL [72-1] (former emp) (Entered: 05/01/2003)	
05/02/2003	REMARK as to ConocoPhillips Co re atty Daniel C Tepstein O'Donnell & Shaeffer LLP 633 W 5th St Ste 1700 Los Angeles CA 90071 removed from database for noncompliance w/admission deadline of 4/20/03 pty representation of admitted counsel (BAS) (Entered: 05/02/2003)		
05/05/2003		Civil Appeals Docketing Statement forwarded to 9th Circuit re NOTICE OF APPEAL [72-1] (REW) (Entered: 05/05/2003)	
05/05/2003		APPEAL PACKET forwarded to all parties and 9th Circuit re: NOTICE OF APPEAL [72-1] (REW) (Entered: 05/05/2003)	
05/15/2003		Notification by 9th Circuit of Appellate Docket Number 03-15824 re NOTICE OF APPEAL [72-1] (REW) (Entered: 05/15/2003)	
05/15/2003	73	Transcript Designation and Ordering Form by intervenor ConocoPhillips Co re NOTICE OF APPEAL [72-1]; ordering transcript for hearing of 3/27/03 (REW) (Entered: 05/20/2003)	
05/23/2003	74	Court Reporter's Transcript of Proceedings of Motion Hearing by Court Reporter:	

		Joanna Rosales for the following date(s): 3/27/03 re NOTICE OF APPEAL [72-1] (REW) (Entered: 05/30/2003)	
05/23/2003		Certificate of Record Transmitted to 9th Circuit NOTICE OF APPEAL [72-1] (REW) (Entered: 05/30/2003)	
05/30/2003	75	Transcript Designation and Ordering Form by intervenor ConocoPhillips Co re NOTICE OF APPEAL [72-1]; no additional transcripts to be prepared (REW) (Entered: 06/03/2003)	
08/21/2003	76	CERTIFIED COPY of 9th Circuit Mandate; appellant's motion for voluntary dismissal of the case granted; appeal dismissed, re: 03-15824 [72-1] (cc: all counsel/judge) (REW) (Entered: 08/21/2003)	
08/22/2003		Pro Hac Vice \$25 Fee Paid as to Pierce O'Donnell (BAS) (Entered: 08/22/2003	
08/25/2003		Pro Hac Vice \$25 Fee Paid as to Belynda B Reck (BAS) (Entered: 08/25/2003)	
01/21/2004		Clerk's record on appeal transmitted to 9th Circuit re NOTICE OF APPEAL [48-1]; 2 volumes clerk's record; 2 transcripts (#71, 74) in one expando (REW) (Entered: 01/21/2004)	
02/09/2004	77	CERTIFIED COPY of 9th Circuit Mandate; appellant's motion for voluntary dismissal of the case granted, with each party to bear its own costs; appeal dismissed, re: 03-15238 [48-1] (cc: all counsel/judge) (REW) (Entered: 02/09/2004)	
10/27/2004		Original Record Returned from 9th Circuit re NOTICE OF APPEAL [48-1]; 2 volumes clerk's record; 2 transcripts (#71, 74) in one expando (REW) (Entered: 10/27/2004)	

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Billable Pages:	5	Cost:	0.40